



JJ Hermes <jamesjhermes@gmail.com>

---

## FOI request – refusal and right of review

1 message

---

Foi <foi@soton.ac.uk>

Wed, Dec 3, 2014 at 3:41 AM

To: "jamesjhermes@gmail.com" <jamesjhermes@gmail.com>



Dear Mr Hermes,

FOI request – refusal and right of review

We thank you for your request for information dated 20 October 2014 (a copy of which is appended hereto for your ease of reference) and for your reminders of 18 November and 28 November, and we apologise for the delay in responding to you.

You have requested the following:-

1. The names and titles of all senior staff members making more than £150,000 in total emoluments for the year ended 31 July 2014. These individuals are considered "higher-paid staff" by the Higher Education Funding Council (HEFCE).
2. Please identify the number of individuals identified in the first request who are (a) tenured faculty, (b) clinical staff, or (c) serve in a non-classroom capacity, such as administrative staff.
3. The total emoluments for the past five (5) years for each of the senior staff identified in the first request.

Your request focuses on individuals (viz. "the **names** and titles of all senior staff members" and "total emoluments for the past five (5) years for **each of the senior staff identified in the first request**") and as a

result, is information that is exempt from disclosure under the Freedom of Information Act 2000 ('FOIA') by virtue of [section 40, subsections \(2\) and \(3\)\(a\)\(i\)](#) of the FOIA. The exemption applies to third-party information, the disclosure of which other than under FOIA would constitute a breach of any of the [data protection principles](#) enumerated in the Data Protection Act 1998 ('DPA'). The University's employees do not expect to be personally identified save with their consent or where identification is a necessary part of their role. They would not expect to be personally identified in relation to remuneration, and disclosure of their identity would, therefore, be a breach of the [first data protection principle](#).

We must, therefore, regrettably refuse your request and we pray in aid the exemption set out in [section 40, subsections \(2\) and \(3\)\(a\)\(i\)](#) of the FOIA. Notwithstanding the above-mentioned refusal, please note that the University does already disclose information relating to remuneration of higher-paid members of staff in its financial statements, which are publicly available for download (for the years 2003/04 to 2013/14) at [www.southampton.ac.uk/finance/services/statements/faq.php](http://www.southampton.ac.uk/finance/services/statements/faq.php): you will see from the table below that clinical staff form the overwhelming majority of staff with remuneration in excess of £150,000 pa.

Remuneration	2014			2013			2012		
	Total	Clinical	NC*	Total	Clinical	NC*	Total	Clinical	NC*
£100,000 - £109,999	28	7	21	26	8	18	30	14	16
£110,000 - £119,999	29	17	12	30	16	14	21	10	11
£120,000 - £129,999	16	7	9	11	4	7	9	3	6
£130,000 - £139,999	6	3	3	9	5	4	9	3	6
£140,000 - £149,999	15	9	6	10	7	3	9	9	-
£150,000 - £159,999	10	8	2	8	7	1	7	7	
£160,000 - £169,999	5	4	1	5	5		4	4	
£170,000 - £179,999	4	4		1	1		1	1	
£180,000 - £189,999	2	1	1	2	2		2	2	
£190,000 - £199,999	1		1						
£200,000 - £209,999				1	1		1	1	
£210,000 - £219,999	3	3		2	2		2	2	

£220,000 - £229,999							
£230,000 - £239,999							
£240,000 - £249,999							
£250,000 - £259,999							
£260,000 - £269,999							
£270,000 - £279,999						1	1
£280,000 - £289,999	1						
£290,000 - £299,999				1	1		

\* NC = non-clinical

If you do not feel that we have dealt with your request in accordance with the requirements of [Part I](#) of the FOIA, you may request a review. Your request for a review should specify in what respect you consider that the requirements of [Part I](#) have not been met. The request for a review should be addressed to the [Registrar](#) and may be sent by email to [foi@soton.ac.uk](mailto:foi@soton.ac.uk).

The Information Commissioner is responsible for enforcing rights of access to information. You may apply to the Information Commissioner in writing (FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF) or [electronically](#) for a decision whether, in any specified respect, your request for information has been dealt with by the University in accordance with the requirements of [Part I](#) of the FOIA. The Information Commissioner will not normally take action unless he is satisfied that the University's review procedures have been exhausted.

Please accept our apologies once again for the delay in responding to you.

Yours sincerely,

Freedom of Information Office  
 email: [foi@soton.ac.uk](mailto:foi@soton.ac.uk)

**From:** Jj Hermes [<mailto:jamesjhermes@gmail.com>]

**Sent:** Monday 20 October 2014 12:21

**To:** Foi

**Subject:** FOI request

To whom it may concern,

I respectfully request the following information under the Freedom of Information (FOI) Act:

1. The names and titles of all senior staff members making more than £150,000 in total emoluments for the year ended 31 July 2014. These individuals are considered "higher-paid staff" by the Higher Education Funding Council (HEFCE).
2. Please identify the number of individuals identified in the first request who are (a) tenured faculty, (b) clinical staff, or (c) serve in a non-classroom capacity, such as administrative staff.
3. The total emoluments for the past five (5) years for each of the senior staff identified in the first request.

There is wide precedent across publicly funded entities in the UK of regularly disclosing this type of information. The Accounts and Audit (Amendment no 2) Regulations of 2009 require local authorities to publish the actual salaries, allowances, bonuses, compensation and employer's pension contributions paid to each employee who earned over £50,000, and in addition to publish the names of those staff who earned over £150,000 (<http://www.legislation.gov.uk/ukxi/2009/3322/made>). It is not necessary to disclose the exact salary of the employees earning more than £150,000, but rather to quote that amount in bands of £10,000, as directed by the HEFCE.

The request holds significant public interest, given that the university is a publicly funded institution of higher education that derives a significant portion of funding from public taxation. In addition, openness is, in itself, something in the public interest in promoting accountability and transparency in the spending of public money. As suggested by the Information Commissioner's Office, "It is reasonable to expect that a public authority would disclose more information relating to senior employees than more junior ones. Senior employees should expect their posts to carry a greater level of accountability." Employees earning more than £150,000 annually can be considered senior employees, since this compensation is more than twice the highest grade on the human resources salary scale.

I look forward to hearing back from you regarding this request. Please do not hesitate to contact me with any follow-up questions (mobile: +44 079273 75045). I would prefer all correspondence be sent digitally through this e-mail address, including the response to this request. Thank you for your time in addressing this query.

Sincerely,  
JJ Hermes

[jamesjhermes@gmail.com](mailto:jamesjhermes@gmail.com)

20 Oct 2014

